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HOME DEPOT U.S.A., INC.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JAMES FURTADO LUM, an individual;
DOROTHY LEWIS, an individual,

Plaintiffs,

v.

HOME DEPOT U.S.A., INC., a foreign
corporation; DOE SECURITY OFFICER a/k/a
VAUGH, an individual; DOES I through X;
and ROE CORPORATIONS I through X ,
inclusive,

Defendants.

Case No.: 2:24-cv-00300-RFB-EJY

**FRCP 26 JOINT DISCOVERY PLAN
AND SCHEDULING ORDER**

Plaintiffs, JAMES FURTADO LUM, and DOROTHY LEWIS and Defendant HOME
DEPOT U.S.A., INC., submit this proposed joint discovery plan and scheduling order to this
Honorable Court.

FRCP 26(f) Conference: On March 15, 2024, the Parties held a scheduling conference to
discuss the issues required by Federal Rule Civil Procedure (“FRCP”) 26(f). The Parties granted
each other a mutual extension of time to serve FRCP 26 Initial Disclosures in this lawsuit and

1 the disclosures are due by agreement by April 15, 2021.

2 The Parties respectfully request an eight-month discovery period. There is good cause or
3 for an extended discovery schedule because of the delay in exchanging Initial Disclosures. The
4 Plaintiff intends to produced HIPAAs so that Plaintiff's medical records may be subpoenaed and
5 given his complex injuries, the alleged medical discovery will take additional time.

6 **Discovery Cut-Off Date:** The proposed cut-off date for discovery shall be **August 12,**
7 **2024**, which is 180 days from the date of Defendant's first appearance in Federal Court the case
8 that occurred on February 12, 2024.

9 1. **Amending the Pleadings and Adding Parties:** All motions to amend the
10 pleadings or to add parties shall be filed no later than **May 14, 2024**, ninety (90) days prior to the
11 proposed close of discovery.

12 2. **FRCP 26(a)(2) Disclosures (Experts):** Disclosures concerning experts shall be
13 made by **June 13, 2024**, sixty (60) days before the proposed discovery cut-off date. Disclosures
14 concerning rebuttal experts shall be made by **July 15, 2024**, thirty (30) days after the initial
15 disclosure of experts. Home Depot has noticed the Plaintiff it intends to conduct an IME of the
16 Plaintiff for his continuing orthopedic injuries and requested a stipulation to the same given the
17 allegation of future treatment. If Plaintiff will not agree to an IME, Home Depot anticipates
18 filing a motion to conduct one.

19 3. **Dispositive Motions:** The date for filing dispositive motions shall be **September**
20 **11, 2024**, thirty (30) days after the proposed discovery cut-off date. In the event that the
21 discovery period is extended from the discovery cut-off date set forth in this proposed discovery
22 plan and scheduling order, the date for filing dispositive motions shall be extended to be not later
23 than thirty (30) days from the subsequent discovery cut-off date.

24 4. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than
25 **October 11, 2024**, thirty (30) days after the cut-off for filing dispositive motions. In the event
26 that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended
27 until thirty (30) days after the decision on the dispositive motions or until further order of the
28 court. In the further event that the discovery period is extended from the discovery cut-off date

1 set forth in this discovery plan and scheduling order, the date for filing the joint pretrial order
2 shall be extended in accordance with the time periods set forth in this paragraph.

3 5. **FRCP 26(a)(3) Disclosures:** The disclosures required by FRCP 26(a)(3), and any
4 objections thereto, shall be included in the joint pretrial order.

5 6. **Alternative Dispute Resolution:** The Parties have discussed the possibility of
6 using alternative dispute-resolution processes and will continue to explore the possibilities of
7 settlement as this case proceeds.

8 7. **Alternative Forms of Case Disposition:** The Parties have discussed the
9 possibility of trial by the magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and
10 agree that this case is best suited before the District Court.

11 8. **Electronic Evidence:** The Parties do not at this time anticipate any issues about
12 disclosures or discovery of electronically stored information, if any, including the form or forms
13 in which it should be produced. The parties shall meet and confer and otherwise work in good
14 faith with respect to the production of electronically stored information should any dispute arise.

15 9. **Extensions or Modifications of the Discovery Plan and Scheduling Order:**

16 Any stipulation or motion must be made pursuant to LR 26-4 and be supported by a showing
17 of good cause, no later than twenty-one (21) days before the subject deadline.

18 10. **Subjects of Discovery:** The Parties agree that discovery may be taken on any subject
19 permitted by the Federal Rules of Civil Procedure. Home Depot reserves the right to
20 conduct Independent Medical Examinations.

21 11. **Discovery Phases:** The Parties do not believe it is necessary to conduct discovery in
22 phases.

23 12. **Document Production:** All documents produced in this action will be delivered as
24 either hardcopy documents, as a single-page Tagged Image File Format (“TIFF”),
25 Portable Document Format (“PDF”) images, or as an electronic documents in native
26 format. The Parties agree to serve by email any document filed with the Court.

27 13. **Protective Orders for Confidential Documents and/or Information:** The Parties have
28 discussed the need for a protective order for Home Depot’s confidential documents and

will to negotiate to resolve any issues that may arise in good faith. This scheduling order is submitted to the Court in good faith and not for the purpose of delay.

DATED this 29TH day of March, 2024

DATED this 29th day of March, 2024.

LAW FIRM OF PARKE ESQUIRE

HOMAN, STONE & ROSSI, APC

/s/ Kurt Lambeth
KURT LAMBETH, ESQ.
Attorneys for Plaintiffs

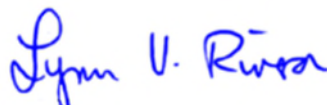
/s/ Lynn V. Rivera
LYNN V. RIVERA, ESQ.
Nevada Bar No. 6797
Attorneys for Defendant
HOME DEPOT U.S.A., INC.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: March 29, 2024

HOMAN, STONE & ROSSI, APC

By: 
LYNN V. RIVERA, ESQ.
Attorneys for Defendant
HOME DEPOT U.S.A., INC.